

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: FREDERICK H. WILHELM, JR. and : CHAPTER 13
ANGELA M. WILHELM f/k/a :
ANGELA M. WINES :
Debtors :
: :
JACK N. ZAHAROPOULOS :
STANDING CHAPTER 13 TRUSTEE :
Movant :
: :
vs. :
: :
FREDERICK H. WILHELM, JR. and :
ANGELA M. WILHELM f/k/a :
ANGELA M. WINES :
Respondents : CASE NO. 1:17-bk-00068-HWV

MOTION FOR DETERMINATION OF FINAL CURE PAYMENT

AND NOW, this 9th day of November, 2022, comes Jack N. Zaharopoulos, Chapter 13 Trustee, by and though his attorney Douglas R. Roeder, and requests this Court schedule a hearing on the Chapter 13 Trustee's Notice of Final Cure Payment (Doc. #102) and M&T Bank's Response to Notice of Final Cure Payment (Doc. #103) as required by Bankruptcy Rule 3002.1(h).

It is the Chapter 13 Trustee's position that M&T Bank has been paid, in full, in accordance with its claim filed at Claim #13, as amended. The Chapter 13 Trustee sets forth as follows in support of his position that Claim #13 has been paid, in full:

1. M&T Bank filed a Proof of Claim at Claim #13, as amended. Said proof of claim seeks payment of \$38,818.88 in arrears and a total amount of \$104,381.50.
2. M&T Bank's Claim #13 is broken down into two parts for the arrears, which are: \$32,102.90 in pre-petition arrears and \$6,715.98 in post-petition arrears for a total of \$38,818.88 in arrears.

3. The Chapter 13 Trustee paid M&T Bank a total of \$32,102.90 in pre-petition arrears and a total of \$3,715.98 in post-petition arrears for a grand total of \$38,818.88, exactly matching the amount of the arrears in the proof of claim #13, as amended. See “Exhibit A – Chapter 13 Trustee Payment History for Case No. 17-00068.”
4. The Debtor’s Fourth Amended Plan (Doc. #80-4) pays the arrears to M&T Bank through the plan and the other mortgage payments directly according to the original contract terms. The Fourth Amended Plan was “confirmed” by Court order approving the Motion to Modify at Doc. #85.
5. The Chapter 13 Trustee issued a Notice of Final Cure Payment to M&T Bank on October 24, 2022 (Doc. #102) indicating that \$38,818.88 was paid to M&T Bank as the final cure of its claim.
6. On October 28, 2022, M&T Bank filed a “Response to Notice Final Cure Payment” (Doc. #103) indicating that it disagrees that it was paid in the full amount required to cure the default and that it asserts a balance of \$6,702.05 is due to M&T Bank.
7. All of the Debtor’s Chapter 13 Plan payments have been made in this case and the Chapter 13 Trustee has distributed all fund on hand.
8. The Chapter 13 Trustee disagrees with M&T Bank’s assertion that it was not paid the full amount required to cure the default. Rather, M&T Bank was, in fact, paid the full amount required to cure the default.

WHEREFORE, The Chapter 13 Trustee prays that this Honorable Court enter an order determining that M&T Bank was paid, in full, on its claim #13, as amended, and the total amount required to cure the default has been paid, in full, to M&T Bank.

Respectfully submitted:

Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

BY: /s/Douglas R. Roeder
Attorney for Trustee
droeder@pamd13trustee.com

CERTIFICATE OF SERVICE

AND NOW, this 9th day of November, 2022, I hereby certify that I have served the within Response by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, postage prepaid, first class mail, addressed to the following:

M&T Bank
P.O. Box 840
Buffalo, NY 14240-0840
Attn: Kiara Hughes, Bankruptcy Specialist

James Warmbrodt, Esquire
KML Law Group, P.C.
BNY Mellon Independence Center
701 Market Street, Suite 5000
Philadelphia, PA 19106

Brian Nicholas, Esquire
KML Law Group, PC.
bnicholas@kmlawagroup.com

M&T Bank
P.O. Box 1508
Buffalo, NY 14240

M&T Bank
P.O. Box 1288
Buffalo, NY 14240

Hannah Herman-Snyder, Esquire
183 Lincoln Way East
Chambersburg, PA 17201

Frederick H. Wilhelm, Jr. and
Angela M. Wilhelm
1110 Path Valley Road
Fort Loudon, PA 17224

/s/Deborah A. Behney
Office of Jack N. Zaharopoulos
Standing Chapter 13 Trustee